



Law Society
of Ontario

Barreau
de l'Ontario

Tab 2

Paralegal Standing Committee

For Information

Strengthening the Paralegal Competence Framework

February 23, 2023

Committee Members:

Michelle Lomazzo (Chair)
Geneviève Painchaud (Vice-Chair)
Jack Braithwaite
Robert Burd
Cathy Corsetti
Seymour Epstein
Julian Falconer
Shelina Lalji
Marian Lippa
Trevor Parry
Quinn Ross
Chi-Kun Shi
Doug Wellman

Authored By:

Roy Bornmann, Strategic Policy Counsel

rbornman@lso.ca

Table of Contents

Purpose	3
Context	3
A. BACKGROUND.....	3
B. The Paralegal Education Program Accreditation Policy	4
Minimum Program Hours	4
Paralegal Field Placements.....	6
Qualifications for Faculty who are Licensees	7
Program Coordinator Qualifications	7
The Paralegal Audit Policy and Framework	8
C. Programs and Resources	9
Bridge to Practice	9
Practice Essentials Course	9
Licensing Examinations	9
D. Consultations and Research.....	9
Information from the Paralegal Education Team	9
The Paralegal Comprehensive Study.....	10
Focus groups with Paralegals in less prominent practice areas.....	11
E. Guiding Principles.....	12
Discussion	13
F. Enhancing the Paralegal Academic Curriculum.....	13
Increasing Minimum Hours for Certain Courses.....	13
Maximum Individual Class Duration	13
G. Lengthening Field Placements	14
Lengthening the Field Placement.....	14
Creation of a Rights of Appearance Framework for Paralegal Students	15
H. Ensuring Entry Level Competence	15
Publication of Paralegal Licensing Exam Outcomes	15
Bridge to Practice and Practice Essentials Course	17
I. Strengthening Paralegal Academic Oversight	17
Program Coordinator Qualifications and Approval	17
Faculty Qualifications	17
Renewed Focus on Enforcement.....	18

J. Accessing the Entire Paralegal Scope of Practice 18
 Develop a webpage focussed on less prominent practice areas..... 18
 Encourage colleges to develop programs focused on less prominent practice areas 19
 Expand the practice area options in the Paralegal Annual Report 19
 Encourage the development of paralegal-focused CPD Programs 19
 Assist in Developing Mentorship Opportunities 19
APPENDIX A - Chart with summary of changes 20

Purpose

This report provides an overview of issues raised with respect to paralegal education and licensure as well as recommendations that the Paralegal Standing Committee (the **Committee**) is making to address these issues by amending the Paralegal Education Program Accreditation Policy and the creation of new Law Society resources. The Committee is providing this Report to Convocation for information.

Context

A. BACKGROUND

Paralegals have been regulated for fifteen years in Ontario. During this time, a robust framework for paralegal education, licensing and entry level competence has been developed. Individuals seeking to become licensed paralegals in Ontario must, in addition to being of good character, generally meet two fundamental licensing conditions. First, the applicant must have graduated from a paralegal education program that has been accredited by the Law Society of Ontario (the **Law Society**). As part of their education, paralegal students must complete a field placement. Second, the applicant must have successfully completed the paralegal licensing examination set by the Law Society.

Recently the Committee commissioned a comprehensive study of the profession, conducted focus groups with paralegals and met with experts in paralegal education and accreditation to fully understand the current state of the profession and consider whether any modifications to this framework are necessary.

There were three recurrent themes that the Committee heard during these consultations and studies:

- Many paralegals often don't understand the availability of or feel that they are not adequately trained and prepared to practise outside the three most prominent paralegal practice areas (small claims court; *Provincial Offences Act* matters and Landlord and Tenant Board matters).
- Many new paralegal graduates do not feel that they are adequately prepared to open sole proprietorships.
- Many paralegals feel that they don't have enough practical experience and exposure to the workplace before entering the profession.

In order to address these three recurrent themes, the Committee has developed a robust plan that builds on new and existing Law Society programs, such as the Bridge to Practice and the Practice Essentials Course. This plan recommends modifying the paralegal education curriculum, including increasing oversight for paralegal programs, lengthening field placements, increasing transparency over the licensing process and providing additional resources that will help paralegals to practise beyond the most prominent practice areas. A chart summarizing the changes to the Paralegal Education Program Accreditation Policy can be found at Appendix A.

B. The Paralegal Education Program Accreditation Policy

The Law Society has a framework for the accreditation and reaccreditation of paralegal education programs in Ontario. An essential part of this framework is the Paralegal Education Program Accreditation Policy (the **Accreditation Policy**), which establishes the requirements for accreditation and provides the foundation, structure and conditions for paralegal education in Ontario.

The Accreditation Policy supports a continuous learning environment for paralegal students over the course of the program, consisting of three pillars:

1. **Training:** specifies rules for the creation of an environment in which the paralegal student can develop the skills and attitudes required to perform the professional roles and responsibilities of a paralegal.
2. **Education:** mandates the provision of a base of legal and other relevant knowledge upon which a paralegal student, once licensed, will be able to rely on in order to correctly interpret legal situations and apply sound judgment.
3. **Work Experience:** provides for the application and continued development of paralegal skills, knowledge and attitudes acquired through practical work experience in a field placement environment.

The Accreditation Policy was established in 2008 when the Law Society began accrediting paralegal education programs. It was substantially revised in February 2014 when Convocation approved more stringent requirements and detailed standards to enhance the Law Society's oversight of paralegal education.

Below are a summary of relevant portions of the Accreditation Policy.¹

Minimum Program Hours

The Accreditation Policy requires that all paralegal students must complete a minimum of 830 program hours comprising the following:

- 590 instructional hours in compulsory legal courses;
- 120 hours of field placement/practicum work experience; and
- 120 instructional hours in additional courses that relate to a paralegal's permitted scope of practice or support becoming a well-rounded paralegal graduate.

Each of the compulsory legal courses must meet a number of competencies that are prescribed in Form 3 of the Accreditation Policy.² The minimum instructional hours for each compulsory legal course are set out below:

¹ The Accreditation Policy can be found on the LSO website at <https://lso.ca/becoming-licensed/paralegal-licensing-process/paralegal-education-program-accreditation/accreditation-policy>

² Available at https://lawsocietyontario.azureedge.net/media/lso/media/becoming-licensed/pepa_3_individualcourseinformationform.pdf

Minimum Hours requirement	Course
20 hours	<ul style="list-style-type: none"> • Communication/Writing
30 hours	<ul style="list-style-type: none"> • Administrative Law • ADR – Alternative Dispute Resolution • Advocacy • Criminal/Summary Conviction Procedure • Employment Law • Ethics and Professional Responsibility • Legal Accounting • Legal Computer Applications • Legal Research/Writing • Residential Landlord and Tenant Law • Torts and Contracts
40 hours	<ul style="list-style-type: none"> • Evidence and the Litigation Process • Introduction to the Legal System • Practice Management/Operating a Small Business • Provincial Offences/Motor Vehicle Offences • Small Claims Court • Tribunal Practice and Procedure³

While the Accreditation Policy sets out minimum standards for compulsory legal course hours, many colleges exceed the minimum requirement. For example, the Accreditation Policy requires that the Torts and Contracts course is at least 30 hours. Every accredited college program, except for one, currently exceeds that minimum standard. The additional hours allocated to any compulsory legal course can count towards the 120 hours of additional instruction requirement. Below is a chart summarizing the degree to which colleges are exceeding the minimum standard in certain compulsory legal courses and in the field placement:

Course	Minimum Hours Requirement	Number of Colleges (out of 29) Exceeding Minimum	Average Hours Minimum is exceeded⁴
Communication/Writing	20	26	25.4
Torts and Contracts	30	28	21.6

³ Accreditation Policy, Section 3.1

⁴ Note this includes colleges that are not exceeding the minimum standard

Legal Research/Writing	30	25	13.9
Advocacy	30	26	14.9
Field Placement	120	14	31.2

Paralegal Field Placements

The Accreditation Policy stipulates that each student must complete a minimum of 120 hours of field placement/practicum work as part of the 830 program hours.⁵ Field placements can be completed in entities such as:

- paralegal or law firms;
- administrative tribunals;
- government agencies;
- regulatory bodies;
- legal aid clinics;
- collection agencies;
- courts; and
- legal departments (government or commercial).

Students must be exposed to areas within the permitted paralegal scope of practice throughout the course of their field placement and must meet the competencies for field placements. The student must demonstrate:

- an ability to prepare an employment résumé in accordance with professional legal standards.
- professional behaviour (e.g., consistent attendance and punctuality, reliability, professional demeanour and appearance).
- an understanding of the operations, functions and procedures of the work environment.
- an ability to apply academic skills and knowledge to a practical work setting.
- a willingness to perform all assigned duties in a careful and diligent manner.
- an ability to meet deadlines.
- an ability to respond accurately to written and oral instructions.
- appropriate time management skills.
- an ability to problem solve.
- appropriate interpersonal skills.
- an ability to adapt one's own behaviour in response to professional feedback.
- an ability to use legal precedents, resources and files.
- an ability to adequately analyze the field placement experience.⁶

⁵ Accreditation Policy, Section 3.1

⁶ Accreditation Policy, Form 3

A Field Placement Supervisor must be associated with each field placement to supervise and review the student's field placement activities. The supervisor must be a licensee and must not supervise more than two paralegal field placement students at a time.

The competencies are evaluated by way of a report prepared by the Field Placement Supervisor and signed by both the student and the supervisor. When calculating the number of field placement hours, institutions should not include any in-class sessions related to the field placement.

The field placement generally takes place towards the end of the program so that students can use the placement to apply their classroom learning in a practical environment. The Accreditation Policy provides that the field placement should normally be scheduled with advanced courses or after completion of the compulsory legal courses.

Qualifications for Faculty who are Licensees

The Accreditation Policy sets out certain standards for faculty to ensure that they have adequate practical and teaching experience to competently teach the competencies of the courses. Subject to specific exemptions, any faculty member who teaches a substantive legal course must be a licensee. In addition, each program must have at least two full-time faculty members who are licensees.

Faculty who teach compulsory legal courses must have at least one year of teaching experience or formal training in education and, if they are licensees, must have at least one year of practice experience in Ontario as a paralegal or lawyer practising in the subject matter areas that they will be teaching. Practice experience means that the licensee must have derived practical knowledge and skills from direct and active participation, throughout at least one year of practice as a licensee, prior to commencing teaching in the subject matter area that the licensee will be teaching.⁷

Program Coordinator Qualifications

Each accredited program must have a Program Coordinator who is responsible for the maintenance of the accreditation for the program and who is responsible to the institution and to the Law Society for monitoring, coordinating and controlling program standards within an accredited program. The Program Coordinator is critical to the quality and oversight of the paralegal education program. They are the primary point of contact between the Law Society and the institution, and they ensure that all of the program and individual course requirements are met.

The Program Coordinator for each accredited program must be a licensee in good standing with the Law Society at all times and must:

- have at least three years of practice experience in Ontario as a lawyer or paralegal;
or

⁷ Accreditation Policy, Section 3.5.1

- have at least one year of practice experience in Ontario as a lawyer or paralegal and at least three years of teaching experience or a degree, diploma, or certificate in education from an accredited or designated educational institution.

Proposed Program Coordinators who do not meet the above criteria may be approved upon application to the Law Society.⁸

The Paralegal Audit Policy and Framework

The Accreditation Policy sets out the audit process, which is supplemented by the Paralegal Audit Policy and Framework (collectively, the **Audit Policy**).⁹ Pursuant to the Audit Policy, the Law Society audits accredited paralegal education programs at periodic intervals. Audits are designed to ensure that the representations made during the accreditation process are accurate and that the college maintains required standards thereafter. Audits are a means by which the Law Society can review, assess and report on accredited paralegal education programs. The Law Society has a dedicated and professional team of staff who oversee all aspects of paralegal education, including accreditation and reaccreditation of programs, complaints about programs, questions from or about programs, review and approval of major change forms and audits of paralegal education programs (the **Paralegal Education Team**).

Audits of programs take place at periodic intervals, but no less frequently than once in the first three years following the date of accreditation and once every five years thereafter. These are supplemented by program checks, which occur when a complaint or other information is received that indicates that an accredited program may not be fulfilling the standards and criteria in the accreditation documents.

The audit process is comprised of a documentation review and site visit.

The Law Society requires that colleges submit specified documentation for review, as explained to the college in advance and as set out in the Audit Policy. The second part of the audit process is conducted through one or more visits to selected campuses where the accredited paralegal education program is offered. Site visits allow the Paralegal Education Team to obtain feedback by meeting with faculty, administration and students and to observe how programs are delivered.

The Law Society provides prior written notice to the college of proposed site visit dates and works with the college to schedule the site visits. The length and scope of each site visit is decided by the Paralegal Education Team.

Once the documentation review and site visits are completed, the Paralegal Education Team prepares an audit report.¹⁰

⁸ Section 3.2.1, Accreditation Policy

⁹ Available in its entirety on the LSO website at <https://lso.ca/becoming-licensed/paralegal-licensing-process/paralegal-education-program-accreditation/audit-policy-and-framework>

¹⁰

C. Programs and Resources

Bridge to Practice

The Law Society recently launched the Paralegal Bridge to Practice website in May 2022. This new initiative is designed to supplement the academic education and experiential training received by paralegal students and newly licensed paralegals with free, hands-on learning opportunities. Bridge to Practice provides tools for new paralegals to enhance their knowledge and skills as they begin their legal careers. Leveraging archived programming from the Law Society's CPD library, the Bridge to Practice content has been carefully curated to address some of the most pressing topics for new paralegals in core practice areas, as well as practice management and the business of providing legal services. The Law Society will continue to look at ways to promote this important initiative among new paralegals.

Practice Essentials Course

The Law Society also recently approved the requirement that all new sole practitioners take a practice essentials course when designating as a sole practitioner for the first time. Each year approximately 220 paralegals indicate that their status with the Law Society is that of "sole practitioner" for the first time, of which approximately 100 are new licensees. The practice essentials course will help set new sole practitioners up for long term success as it will provide paralegals who are starting out as sole practitioners with a road map to the most critical information that they need to be successful in starting their practices. The practice essentials course is expected to be implemented by early 2024. The Law Society will seek to ensure it provides paralegal-specific courses and opportunities as the practice essentials course is created.

Licensing Examinations

Paralegal candidates are required to successfully complete the paralegal licensing examination to become licensed by the Law Society. The examination is designed to assess entry-level competence in the most critical and frequently required competencies and is developed in accordance with psychometric best practices. While certain aggregated results have, from time to time, been disclosed in public facing documents, the pass-fail rates are not readily available to the public or to prospective paralegal students.

D. Consultations and Research

In order to assess the efficacy of the paralegal training and education programs, the Committee solicited feedback from the Paralegal Education Team and conducted a profession-wide survey.

Information from the Paralegal Education Team

The Paralegal Education Team provided the Committee with a number of observations that it has encountered while carrying out audits at paralegal colleges. **It should be noted that the below observations do not represent the majority of colleges or programs. These are discrete occurrences that occur regularly enough at a small minority of**

colleges that the Paralegal Education Team felt the Committee should be apprised of these issues.

The Paralegal Education Team has encountered recurrent deficiencies while undertaking audits of colleges. Most notably, on occasion the Paralegal Education Team has encountered:

1. **Inexperienced Program Coordinators** – The Program Coordinator is central to having a well run and effective paralegal program; however, the Paralegal Education Team noted that they sometimes encounter Program Coordinators who do not demonstrate a sufficient understanding of their responsibilities or the Accreditation Policy requirements. This exacerbates the unqualified faculty and lengthy classes (discussed below). Further, it can result in additional problems within a paralegal program including:
 - Submission of inaccurate documents by colleges to the Law Society, resulting in multiple resubmissions; and
 - A lack of oversight of the program generally which can result in:
 - low difficulty assessments and overly lenient or inconsistent marking;
 - lack of oversight with respect to field placements; and
 - lack of policies or consequences for cases of academic dishonesty.

2. **Unqualified faculty** – The Paralegal Education Team has observed that some faculty do not appear to have the requisite substantive knowledge to effectively teach their assigned course. As a result, such faculty are:
 - teaching inaccurate content;
 - teaching significantly outdated content;
 - incorrectly answering student questions; and/or
 - delivering course content primarily by “reading aloud” from third-party produced textbooks or slides.These faculty members are unable to effectively engage with students or adequately support the competencies

3. **Lengthy classes (in excess of four hours)** – The Paralegal Education Team has encountered a few classes that were longer than four hours. During these classes, the Paralegal Education Team has noticed that lengthy classes often:
 - end early;
 - feature activities that would not qualify as instructional time (e.g., reading time, homework time); or
 - include excessively long breaks.

Recently, a college sought approval for courses that would have 6-hour classes, the approval of which was denied by the Paralegal Education Team.

The Paralegal Comprehensive Study

In the fall of 2018, the Committee approved a comprehensive study of paralegal regulation. Phase 1 of the Comprehensive Study was an analysis of Law Society data that

provided some insights into the current makeup of the profession and the challenges that paralegals face. Phase 2 of the Comprehensive Study canvassed paralegals, paralegal students and licensing candidates and paralegals who no longer have a practising licence. Key findings of the Phase 2 report include:

- Some paralegals do not feel their education and placement prepared them for a career as a paralegal. Particularly:
 - Many paralegals struggle to become established in the profession after completing their licensing and education.
 - Many paralegals do not feel adequately trained and prepared to practise outside the three most prominent paralegal practice areas, nor do they understand the availability of other areas of practice that are within scope.
 - Many paralegals do not feel adequately prepared to open sole proprietorships.
- Mentorship remains elusive for many paralegals.
- COVID has had a significant impact on the paralegal profession and has exacerbated some of the other issues outlined above.

Focus groups with Paralegals in less prominent practice areas

While paralegals are eligible to practise before all tribunals established under an Act of the Legislature of Ontario¹¹ or under an Act of Parliament and before mediators and arbitrators,¹² the majority of paralegals focus on three specific practice areas: small claims court matters; *Provincial Offences Act* matters and Landlord and Tenant Board matters. In the 2021 Paralegal Annual Report (the **Annual Report**), 76.3% of paralegals who provided legal services in Ontario indicated they dedicated 25% or more of their practice area to small claims court matters; *Provincial Offences Act* matters and Landlord and Tenant Board matters.

This corroborates what the Committee has often heard anecdotally, namely that not many paralegals practise outside of these three main practice areas, are not aware of practice areas outside of the three prominent areas or are unsure of how to enter these less prominent practice areas.

At the same time, there are many paralegals in Ontario who have developed successful practices in other, less prominent, practice areas. For example, the 2021 Annual Report also had paralegals who indicated they devoted 25% or more of their practice to worker's compensation matters, property tax assessment and Statutory Accident Benefits Schedule (SABS) matters,¹³ among others.

¹¹ There are 27 adjudicative tribunals prescribed under the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* available at <https://www.ontario.ca/laws/regulation/100126>.

¹² The full scope of practice for paralegals can be found in Section 6 of LSO By-Law 4 available at <https://lso.ca/about-lso/legislation-rules/by-laws/by-law-4>

¹³ Respectively, worker's compensation - 9.7%; property tax assessment – 5.6%; SABS – 11.7%

Between September and October 2022, the Chair of the Committee undertook three focus groups with paralegals who have developed successful practices outside of the three prominent practice areas.

Paralegals at the focus groups had developed successful careers in a wide range of practice areas, including workplace safety law, immigration law, employment law and SABS disputes. While the areas of practice of the focus group participants were varied, there were many similarities in how they had started practising and how they had become successful in a less well known practice area:

- Most focus group participants indicated that there had been a significant degree of chance in their decision to practise in a less prominent practice area. Typically, they had encountered someone who had made them aware of an area of practice and encouraged them to learn more about it. This encounter could have been through working with a lawyer or another paralegal on a file, networking or through their field placements.
- Once they had determined that they wanted to practise in their specific area, there wasn't a clear path for them to learn about that practice area or to develop their expertise. They had to find courses to develop their individual expertise. The courses that they took were often for lawyers rather than paralegals and were overly broad.
- Focus group participants had often never even heard of their area of practice while they were attending college. However, many did note they had learned valuable legal skills at college that they used in their specific practice area. For example, courses like advocacy and legal writing developed skills for all paralegals, regardless of where they end up practising.
- Most focus group participants felt that the field placement had not significantly supplemented their college learning.
- Few focus group participants had mentors in their specific practice areas.

E. Guiding Principles

In reviewing the paralegal curriculum, licensing requirements and oversight, the Committee's work was informed by three guiding principles. These principles informed both whether there should be changes and what these changes should be.

1. **Promotion of Access to Justice** – The recommendations should recognize the important role that paralegals play as part of Ontario's access to justice framework, providing high quality legal services for specific legal matters in areas that are not typically serviced by lawyers.
2. **Continuum of Competence** – The recommendations should encourage a high level of competence at every step of a paralegal's career, commencing with a high level of entry level competence that paralegals can build on throughout their careers.

3. **Feasibility** – Any requirements should be cost effective and achievable by the regulator and colleges alike and should not impose unreasonable burdens that result in extra costs borne by paralegal students or paralegals.

Discussion

F. Enhancing the Paralegal Academic Curriculum

Increasing Minimum Hours for Certain Courses

The Committee determined that the minimum hours for four compulsory legal courses will be increased by 10 hours each, such that Communication/Writing will be increased from 20 to 30 hours and Torts and Contracts, Legal Research/Writing and Advocacy will each be increased from 30 to 40 hours.

The Committee recognized that these four courses are foundational to paralegal education and competence. Regardless of the practice area that a paralegal ends up working in, they will likely regularly rely on what they have learned in each of these courses. Most paralegal colleges have already recognized that an adequate level of instruction in these compulsory legal courses cannot be attained during the minimum hours set out in the Accreditation Policy and are exceeding the minimum hours. Where colleges have not recognized this need, increasing the minimum hours will ensure that all colleges are elevating the course standard to be closer to the recognized minimum standard. This will help ensure consistency between different college programs as well as increasing entry-level competence. Because most colleges have already embraced these minimum standards, it is not anticipated that the implementation of this change will have negative impacts.

Increasing Minimum Instructional Hours for Accredited Programs

The overall minimum instructional hours for accredited paralegal programs will be increased by 20 program hours to accommodate for the increase in minimum hours courses described above.

Currently 120 hours of instruction are allocated to “additional courses” and are not included in the compulsory legal courses minimum of 590 hours. Without any increase to the overall program length, an increase of 40 hours in compulsory legal courses would reduce the “additional courses” length to 80 hours. The Committee felt that this would result in students having less opportunity to take non-compulsory legal courses. At the same time, any increase in the program length may result in increased tuition and other costs (loss of work opportunity, increased burden on students to fund accommodations, etc.) that would be borne by candidates. The Committee balanced these competing concerns by increasing the overall program hours by an additional 20 hours to 610 hours and reducing the 120 hours in additional courses to 100 hours to accommodate these changes.

Maximum Individual Class Duration

The Committee agreed that a maximum individual class duration of four hours be established in the Accreditation Policy in order to encourage better course outcomes.

Currently there is no maximum individual class duration in the Accreditation Policy. While most colleges provide courses with individual class durations that are typically three hours or less, the Committee was advised that some colleges are providing classes that run for longer periods of time. Recently one college sought to receive approval for a course delivery that would have included six-hour classes.

For the reasons outlined above, significantly longer classes do not provide an optimal learning environment, are associated with poor instructional techniques and a lack of student engagement and should be discouraged. Further, given the minimum course hour requirements, a student missing a single class could be missing up to 20 per cent of the entire course.

G. Lengthening Field Placements

Lengthening the Field Placement

The Committee agreed that the field placement program be changed to provide greater practical experience for paralegal students. After reviewing different options, the majority of Committee members decided that the required minimum length of the field placement should be increased from 120 hours to 240 hours, and that the minimum hours for accredited paralegal programs should be increased by an additional 120 program hours to accommodate this change.¹⁴ This amounts to a doubling of the current field placement requirement.

The Committee noted that a longer field placement will allow for some new competencies to be added and for the existing competencies to be revised with an overall objective of enhancing the opportunities for paralegal students to gain practical experience. While the new competencies will need to be developed by subject matter experts, they are likely to include skills that focus on: advocacy; client relations; ethics and professionalism; legal drafting and practice management.

The Committee was also comfortable that this increase will not require significant changes to the existing field placement program from an administrative perspective. Accredited programs already have Field Placement Supervisors who are responsible for placement oversight and who understand how to operate field placements. It is anticipated that the proposed duration increase will not be overly disruptive to this existing program delivery. Moreover, some existing or potential Field Placement Supervisors may be more interested in a longer field placement where they can provide lengthier projects to students because of the increased duration.

The Committee did note that this increase carries certain risks. Any increase in field placement length or additional competencies could lead to some Field Placement Supervisors choosing to opt out of the program or being unable to commit to providing

¹⁴ This will mean a combined increase in the minimum hours of an accredited paralegal program of 140 hours to 970 hours.

those competencies. Some colleges have indicated that there are already difficulties in finding sufficient high quality field placements and that any increase could exacerbate this.

As the new field placement length is implemented and the competencies are revised, consideration will be given as to whether the field placements should be allowed to start earlier in a paralegal student's education; whether they should be allowed to be staggered and whether paralegal students should be able to have multiple Field Placement Supervisors for their field placement.

While this increase will allow some additional competencies to be added to the field placement requirements, the Committee did recognize that the increased field placement will still be of a limited duration. As such, the competencies would need to be focused on a few discrete skills. A minority of Committee members felt that the field placement should be increased to 300 hours so as to have a more substantive impact; however, the majority of Committee members felt that 240 hours was an appropriate balance. All Committee members agreed that the field placement program should be monitored after these changes are implemented to determine whether they have had the desired effect.

Creation of a Rights of Appearance Framework for Paralegal Students

As the Committee has discussed over the past year, it appears that there is some confusion regarding whether paralegal students have the right to appear before Ontario courts and tribunals while undertaking their field placement. The Committee agreed that a rights of appearance framework for paralegal students and candidates should be created and circulated to colleges, Field Placement Supervisors and Ontario tribunals and courts as well as posted on the Law Society website.

While LSO By-Law 7.1 provides the same rights of appearance to both law students and paralegal students, this is sometimes misunderstood. The creation of a rights of appearance framework for paralegal students and candidates, similar to the one that exists for law students,¹⁵ would help to clarify this issue. The Committee anticipated that formalizing the rights of appearance framework would recognize that paralegal students are learning to be advocates and afford them opportunities to gain exposure to the advocacy process under supervision of licensed paralegals. The rights of appearance framework will complement the longer field placement requirement.

Clarity around this issue will help paralegal students develop increased practical skills and provide them with confidence as they embark on their career.

H. Ensuring Entry Level Competence

Publication of Paralegal Licensing Exam Outcomes

The Committee determined that outcomes for paralegal licensing examinations aggregated by educational institution should be published and made publicly available. This issue has been discussed at the Committee periodically as a way to increase

¹⁵ See <https://lso.ca/becoming-licensed/lawyer-licensing-process/rights-of-appearance/rights-of-appearance-for-law-students>

transparency and recognize the high entry level standards that paralegals are required to meet to join the profession.

The Committee agreed that publication be done in a staged approach as follows:

- 2024: Each educational institution is advised of its recent and current graduates' aggregated licensing exam success rates.
- 2025 onwards: Each educational institution's licensing exam pass-fail rate is publicly published on the Law Society website on a going forward basis. This information would be appropriately contextualized and anonymized.

The Committee agreed that the publication of examination outcomes would result in greater transparency; enhanced public confidence and improved educational standards. Specifically:

- Publication of this information would provide greater transparency to the licensing process and to students considering different educational institutions. It would assist vulnerable students who have little objective information upon which to select the correct college paralegal education program for them.
- Publication of exam results would assure the public that new paralegals are meeting high standards at point of entry to the profession.
- The Law Society will be in a better position to leverage this information to influence educational institutions to improve their standards or to make accreditation decisions.
- Institutions would likely be more interested in continually improving their licensing pass rates if the outcomes were publicly available resulting in better preparation of students for these examinations.

The Committee considered some of the arguments against posting the examination results. Some colleges might consider it unfair for the success rates of their graduates to be publicized, due to the risk of people over-attributing those outcomes to the institution. For example, a college that seeks to attract students whose first language is not English, or second-career students might argue that these factors play a greater role in lower examination success rates than an inadequate education program. Similarly, publication of examination success rates could negatively impact paralegals who have been successfully licensed despite having graduated from college programs with lower examination success rates.

Finally, the Law Society's ongoing operational activities associated with paralegal college accreditation, including auditing and monitoring the performances of these colleges, may be a better gauge of ensuring educational and training standards. An argument could be made that many of the objectives above could be more effectively met by providing some degree of access to the Paralegal Education Team's audit reports or summaries thereof. Taking into account these considerations and options, the Committee felt that the public posting of aggregated examination outcomes appears to be the most impactful option to

both increase transparency for potential paralegal students and improve quality in paralegal education.

Bridge to Practice and Practice Essentials Course

The Committee also noted that it is important that the Law Society continue to ensure that paralegals are aware of, availing themselves of and benefiting from recent Law Society initiatives, such as Bridge to Practice and the Practice Essentials Course.

I. Strengthening Paralegal Academic Oversight

Program Coordinator Qualifications and Approval

The Committee felt that many of the deficiencies identified by the Paralegal Education Team can be resolved by ensuring that college programs are overseen by competent and effective Program Coordinators. The Committee noted that the Program Coordinator is critical to the quality and oversight of the paralegal education program and more stringent qualification requirements for Program Coordinators would be a significant step forward in achieving this goal.

The Committee agreed that the qualifications for Program Coordinators should be enhanced to require that a Program Coordinator has at least three years of practice experience in Ontario as a lawyer or paralegal; at least three years of teaching experience; and a degree, diploma, or certificate in adult education from an accredited or designated educational institution.

Currently, a Program Coordinator is only required to have three years of practice experience or they can have one year of practice experience combined with three years of teaching experience. Increasing the required experience will elevate the minimum threshold for Program Coordinators and should help to address many of issues raised by the Paralegal Education Team.

The Committee did note that if the eligibility criteria for Program Coordinators is increased, some colleges may struggle to find qualified individuals to fill the role; however, the Law Society has the ability to approve a Program Coordinator who does not meet the minimum standard if a college were to request it and the circumstances warrant it. Overall, the Committee felt it likely that enhancing Program Coordinator qualifications will have a positive impact on the quality of the education received by paralegal students. To minimize any immediate deleterious impact, current Program Coordinators already working at a college will be allowed to continue in their position for that college.

Faculty Qualifications

The Committee felt that the lack of appropriate experience and qualifications that the Paralegal Education Team observed during audits of some programs should be addressed. Accordingly, the faculty qualifications required in the Accreditation Policy should be enhanced.

The Committee decided that the qualification for licensees who teach a compulsory legal course be increased from one year of practice experience in Ontario as a paralegal or lawyer in the subject matter areas that they will be teaching to three years of practice

experience. This change would help ensure that the paralegal program curriculum is delivered by instructors who are able to impart the skills and knowledge that will ensure that students obtain the Law Society's required competencies and have the foundational training to become effective paralegals. Meaningful practice experience is particularly critical for paralegal education, which must support subject area knowledge as well as practical abilities in order to facilitate access to justice.

The Committee noted that some colleges may struggle to attract faculty with the enhanced practice requirements; however, the Accreditation Policy does allow for colleges to apply to the Law Society to approve faculty who do not meet the minimum qualifications where some flexibility is warranted. To minimize any immediate deleterious impact, current faculty already working at a college will be allowed to continue in their position for that college.

Renewed Focus on Enforcement

The Committee felt strongly that these changes need to be accompanied by a renewed focus by the Paralegal Education Team on enforcement. The Paralegal Education Team has a number of tools at its disposal to ensure that the standards set out in the Accreditation Policy are adhered to. These include the ability to recommend the revocation or suspension of program accreditation in instances where the Paralegal Education Team has discovered serious or grave deficiencies. Renewing the focus on enforcement and utilizing all of these tools when necessary will be an important component in elevating paralegal education across Ontario.

J. Accessing the Entire Paralegal Scope of Practice

The Committee felt that the Law Society could help paralegals become aware of the less prominent practice areas that are available to facilitate increased public access to legal services in those areas and help new paralegals establish themselves. This would need to be supplemented with pathways and educational resources that would help interested paralegals develop knowledge and proficiency in those practice areas. The Committee provided the following specific recommendations for consideration:

Develop a webpage focussed on less prominent practice areas

The Law Society could develop resources that set out different paralegal practice areas and pathways. Specifically, the Law Society could develop a webpage where paralegals who practise in specific areas explain how they built up their competence in specific practice areas. The webpage could also provide users with links to available CPDs and other resources that a paralegal considering entering one of these practice areas might find useful.

Once ready, this resource should be distributed widely among the paralegal community, with particular focus on paralegal students and licensing candidates. It is hoped that this will become supplementary to the Bridge to Practice resources.

Encourage colleges to develop programs focused on less prominent practice areas

Many colleges do offer some programs focused on areas of law outside of the prominent practice areas. Colleges should be encouraged to review the full scope of practice areas with their students during their programs so that paralegal students are graduating with a general idea of the many different practice opportunities that are available.

At least one paralegal college is already in the process of setting up a certificate program for specialization in workers compensation law, which will likely invite graduate students looking to boost their understanding of this practice area to attend. The Law Society should encourage other colleges to offer similar style certificate programs for advanced study in specific areas.

Expand the practice area options in the Paralegal Annual Report

In order for the Law Society to better gather data to inform decisions, the Law Society could consider expanding the legal services areas that paralegals could indicate they devote at least 25% or more of their practice time to on the Paralegal Annual Report. This would provide additional data that could help inform policy and operational decisions including what courses could be encouraged at colleges, what practice areas need to be reflected in Law Society resources and what CPDs should be provided.

While these changes to the Paralegal Annual Report should ultimately be determined by Law Society staff, it is likely that the Social Benefits Tribunal and employment matters are two legal service areas that might be good additions.

Encourage the development of paralegal-focused CPD Programs

As resources are developed, attention should be paid to where there may be a need for advanced CPD programs and where annual updates are required. The Law Society can look for these as opportunities to provide new CPD programming to paralegals.

Assist in Developing Mentorship Opportunities

The Law Society could consider ways in which to foster mentorship opportunities for paralegals from all practice areas. The Law Society could look at the Coach and Advisor Network roster to determine where there are opportunities and look at how to attract new coaches and advisors.

As the Law Society develops new resources, such as the webpage described above, it should look to incorporate mentorship connections.

APPENDIX A

Below is a chart summarizing the proposed changes to the Paralegal Education Program Accreditation Policy set out in this Report.

Issue	Existing Accreditation Policy Requirements	Proposed New Requirements
Minimum Hours for certain compulsory legal courses	<p>The minimum instructional hours for certain compulsory legal courses are:</p> <ul style="list-style-type: none"> • Communication/Writing - 20 hours • Torts and Contracts - 30 hours • Legal Research/Writing - 30 hours • Advocacy - 30 hours 	<p>The minimum instructional hours for certain compulsory legal courses will be:</p> <ul style="list-style-type: none"> • Communication/Writing - 30 hours • Torts and Contracts - 40 hours • Legal Research/Writing - 40 hours • Advocacy - 40 hours
Maximum Class Duration	Currently there is no maximum class duration in the Accreditation Policy	No class shall be longer than 4 hours
Field Placement Length	The minimum length of a field placement is 120 hours	<p>The minimum length of a field placement will be 240 hours.</p> <p>Some direction will be provided enabling the use of multiple field placement hosts; starting field placements earlier and staggering the field placements.</p>

Issue	Existing Accreditation Policy Requirements	Proposed New Requirements
Paralegal education length	<p>All paralegal students must complete a minimum of 830 program hours comprising the following:</p> <ul style="list-style-type: none"> • 590 instructional hours in compulsory legal courses; • 120 hours of field placement/practicum work experience; and • 120 instructional hours in additional courses that relate to a paralegal's permitted scope of practice or support becoming a well-rounded paralegal graduate. 	<p>Paralegal students will be required to complete a minimum of 970 program hours comprising the following:</p> <ul style="list-style-type: none"> • 630 instructional hours in compulsory legal courses; • 240 hours of field placement/practicum work experience; and • 100 instructional hours in additional courses that relate to a paralegal's permitted scope of practice or support becoming a well-rounded paralegal graduate.
Faculty Qualifications	<p>Faculty who teach compulsory legal courses must have at least one year of teaching experience or formal training in education and, if they are licensees, must have at least one year of practice experience in Ontario as a paralegal or lawyer practising in the subject matter areas that they will be teaching.</p>	<p>Faculty who teach a compulsory legal course will be required to have at least one year of teaching experience or formal training in education and, if they are licensees, must have at least three years of practice experience in Ontario as a paralegal or lawyer practising in the subject matter areas that they will be teaching.</p> <p>Proposed faculty who do not meet the above criteria may be approved upon application to the Law Society.</p>

Issue	Existing Accreditation Policy Requirements	Proposed New Requirements
Program Coordinator Qualifications	<p>The Program Coordinator for each accredited program must be a licensee in good standing with the Law Society at all times and must:</p> <ul style="list-style-type: none"> • have at least three years of practice experience in Ontario as a lawyer or paralegal; or • have at least one year of practice experience in Ontario as a lawyer or paralegal and at least three years of teaching experience or a degree, diploma, or certificate in education from an accredited or designated educational institution. <p>Proposed Program Coordinators who do not meet the above criteria may be approved upon application to the Law Society.</p>	<p>The Program Coordinator for each accredited program will be required to be a licensee in good standing with the Law Society at all times and must have three years of practice experience in Ontario as a lawyer or paralegal; at least three years of teaching experience; and a degree, diploma, or certificate in adult education from an accredited or designated educational institution.</p> <p>Proposed Program Coordinators who do not meet the above criteria may be approved upon application to the Law Society.</p>

Issue	Existing Accreditation Policy Requirements	Proposed New Requirements
Posting of Examination Results	Currently exam outcomes are not made publicly available	<p>Exam results will be published. There will be a staged approach as follows:</p> <p>2024: Each educational institution is advised of its recent and current graduates' aggregated licensing exam success rates.</p> <p>2025 onwards: Each educational institution's licensing exam pass-fail rate is publicly published on the Law Society website on a going forward basis. This information would be appropriately contextualized and anonymized.</p>